

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DAVID ARCHER,

Plaintiff,

-v-

MANHATTAN AND BRONX SURFACE TRANSIT  
OPERATING AUTHORITY, et al.,

Defendants.  
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: 18 Civ. 9237 (PAE)  
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ORDER OF DISMISSAL


PAUL A. ENGELMAYER, District Judge:

Plaintiff filed the complaint in this action on October 9, 2018. Dkt. 1. Defendants filed an answer on February 27, 2019. Dkt. 13. The case was then referred to mediation, which was unsuccessful. *See* Dkt. 26. On August 30, 2019, plaintiff filed a letter with the Court advising the Court that plaintiff was going to file a stipulation, upon defense counsel's review, consenting to a voluntary dismissal of the action, without prejudice. Dkt. 32. Such a stipulation was never filed, and no further filings have been made in this case.

On October 7, 2020, the Court ordered a status update by October 14, 2020, as to the status of the stipulation described in plaintiff's letter. Dkt. 33. Counsel did not provide a status update. On October 20, 2020, the Court issued an order to show cause why the case should not be dismissed and advised that if the Court did not receive any written communication from plaintiff by November 3, 2020, the Court would dismiss the claims against defendants without prejudice. Dkt. 34. Plaintiff has not responded to the Court's order nor taken any other action to make any progress in this case since the Court's order to show cause. Accordingly, the Court hereby dismisses this case, without prejudice.

The Clerk of Court is respectfully directed to close this case.

SO ORDERED.

  
Paul A. Engelmayer  
United States District Judge

Dated: November 5, 2020